

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MAURICE R. GOINS,)
Petitioner)
)
vs.) Civil Action No. 09-1484
) Chief U.S. Magistrate Judge Amy Reynolds Hay
JEFFREY A. BEARD, Secretary of)
Corrections; THE ATTORNEY GENERAL)
OF THE STATE OF PENNSYLVANIA,)
Respondents)

ORDER

AND NOW, this 9th day of February, 2010, after the Petitioner, Maurice R. Goins, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until January 25, 2010, to file written objections thereto, upon consideration of the objections filed by Petitioner which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition, filed pursuant to 28 U.S.C. § 2254, is dismissed prior to service as being second or successive;

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the Petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

s/ Arthur J. Schwab

ARTHUR J. SCHWAB

United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

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